

STATEMENT OF PHILIP E. WELLER  
EXECUTIVE DIRECTOR OF  
GREAT LAKES UNITED  
BEFORE THE  
WATER RESOURCES SUBCOMMITTEE  
OF THE HOUSE PUBLIC WORKS AND  
TRANSPORTATION COMMITTEE  
CONCERNING  
IMPLEMENTATION OF THE GREAT LAKES WATER QUALITY AGREEMENT  
AND THE  
GREAT LAKES WATER QUALITY IMPROVEMENT ACT OF 1990

MAY 2, 1990

STATEMENT TO  
WATER RESOURCES SUBCOMMITTEE  
U.S. CONGRESS  
BY  
PHILIP WELLER  
EXECUTIVE DIRECTOR  
GREAT LAKES UNITED  
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Good morning. My name is Philip E. Weller and I am Executive Director of Great Lakes United, a binational coalition of over 180 groups from throughout the Great Lakes - St. Lawrence River dedicated to the conservation and protection of the Great Lakes - St. Lawrence River ecosystem. Our membership, which includes environmental organizations, community groups, unions, small businesses, academic and scientific groups and governmental bodies, extends from Duluth at the western end of the basin to Quebec City along the St. Lawrence River outflow of the system. This statement is made on behalf of this community of organizations from throughout the Great Lakes region who are deeply concerned about the condition of the Great Lakes ecosystem.

I would like to thank Chairman Nowak and the members of the subcommittee for the opportunity to testify here today. During this presentation, I would like to convey three essential messages. The first of these messages is that there is an urgent need for accelerated and expanded cleanup, remediation and pollution prevention in the Great Lakes region. Secondly, the Great Lakes Water Quality Agreement, originally signed by Canada and the United States in 1972, and revised in 1978 and again in 1987, is an effective blueprint and framework for action to address the problems of the Great Lakes ecosystem. And, third the citizenry of the Great Lakes region feels betrayed by the failure of the governments of Canada and the United States to fully uphold the commitments made in the Great Lakes Water Quality Agreement.

I would like to address each of these issues in turn. In particular I would like to emphasize the potential of the program commitments made in the Great Lakes Water Quality Agreement and specifically, the need for stronger commitments to develop Remedial Action Plans (RAPs) and Lake Wide Management Plans. These two programs offer tremendous potential to undo and prevent some of the damage that has been done to the Great Lakes. The failure to undertake the necessary action to implement these programs is a major stumbling block to effective cleanup of the Great Lakes. We are very pleased with the initiative to create the Great Lakes Water Quality Improvement Act of 1990 and believe that this legislation will be very important in increasing the fulfilment of the promise contained within the Great Lakes Water Quality Agreement.

As I'm sure you are well aware, the Great Lakes represent an amazing 18 percent of the world's surface fresh water. That freshwater resource is unparalleled in magnitude anywhere in the world. But the quality of the Great Lakes waters and landscape have been greatly diminished. They have been diminished through destruction of habitat, introduction of exotic species and the continued input of pollution. The sources of that pollution include slowly leaking landfills, nonpoint runoff, atmospheric pollution, and direct discharges from industry and municipalities.

The Great Lakes are a special resource and their attributes of size and depth make them especially vulnerable to inputs of toxic chemicals. Pollutants once they are in the lakes take an extremely long time to leave the system. If for example all sources of the toxic organic pollutants were stopped it would take about 100 years for ninety percent of these pollutants to be eliminated from Lake Michigan and over five hundred years for the same percentage to be eliminated from Lake Superior.

Synthetic organic pollutants have been entering the Great Lakes, as well as other regions of the industrial world, since they began being produced in large quantities after the second world war. Within the lakes these pollutants have accumulated in bottom sediments and biological tissue of fish and other wildlife. The twisted beaks of cormorants and tumors in fish that exist in certain areas of the lakes are graphic evidence of the detrimental impact of these chemicals on wildlife and humans.

The Great Lakes are in many respects a sentinel of the dangers of pollution. In the late 1960s it was the eutrophication of Lake Erie that first provided graphic illustration of the problems of sewage wastes in North America. Now in the 1990s the Great Lakes are once again warning us of the effects of pollution - this time the pollution of the lakes through toxic chemicals.

A message about the significance of the threat that exists and the need for additional action was recently issued by scientists from the Conservation Foundation and Institute for Research on Public Policy in Canada. They concluded:

Despite regulatory vigilance to rein in polluters and significant government efforts over the last two decades, the environment of the Great Lakes Basin is still in trouble. Dramatic evidence remains that the Great Lakes are imperiled by continuing habitat destruction and the long-term accumulation of toxic chemicals, which are increasingly pervasive throughout the ecosystem. (CF and IRPP, Great Lakes, Great Legacy?, page xix, Washington, 1989)

Warnings about the ill health of the Great Lakes ecosystem have also come in recent weeks from the International Joint Commission. They wrote in their most recent report to the governments:

Despite the significance of the Great Lakes and our collective rhetoric to restore and enhance them, we as a society continue to mortgage their future by poisoning, suffocating and otherwise threatening them... (IJC, Fifth Biennial Report, p.6)

Significant about the report was the conclusion of the Commission "that there is a threat to the health of our children emanating from our exposure to persistent toxic substances, even at very low ambient levels."

These reports have added legitimacy to what individuals and scientists from throughout the Great Lakes basin have been observing - that the Great Lakes are being grossly damaged by pollution and other factors, and that the damage is unacceptable and avoidable.

While progress has been made in addressing conventional pollutant problems and reducing the loads of some chemicals such as DDT this progress has not been sufficient to protect human health and restore environmental quality. We continue to expose humans and animals to unacceptable concentrations of toxic contaminants. It is therefore imperative that we adopt uniform water quality standards to protect fish, wildlife and humans. We are very pleased that some progress has been made in developing uniform criteria and believe that the Great Lakes Water Quality Improvement Act will strengthen that effort.

The GLWQA of 1987 is an effective blueprint for addressing the existing problems. It calls for a goal of zero discharge of persistent toxic substances - a goal that is both practical and possible. The IJC wrote in its most recent report, "The technology, either exists - or can, with very few exceptions, be developed at some cost - to replace (or control in the interim) the use of persistent toxic substances." (IJC, page 17)

The evidence of damage to the Great Lakes is not new. The governments of Canada and the United States recognized the problems of the Great Lakes as early as the late 1960s and eventually signed the GLWQA in 1972 as a way of addressing the problems.

Unfortunately the two governments have failed to uphold the commitments made in the Great Lakes Water Quality Agreement and enshrinement of this agreement in law appears necessary. The renegotiation of the Great Lakes Water Quality Agreement in 1987

offered hope to the residents of the basin that the problems could be resolved. In the two and a half years since the most recent agreement was signed, citizens have, however, become increasingly frustrated with the snails pace of progress in protecting and rehabilitating the Great Lakes.

Two of the program commitments of the governments which offer the greatest hope and potential for cleaning up and protecting the Great Lakes are the Remedial Action Plans and the Lakewide Management Plans.

### **Background on the 42 Areas of Concern**

Since the mid-1970's, there has been recognition that specific areas in the Great Lakes, such as harbors, bays, river mouths, and the connecting channels had severe water quality problems. The degraded conditions prevent the public from enjoying these areas. In many of these areas, fish are contaminated and advisories against consumption are in effect. Swimming in these Areas of Concern is often unsafe.

The IJC's Water Quality Board has listed and reported on areas of concern, originally called "problem areas", since the Board's 1973 report. For 12 years, the efforts to address problems in Areas of Concern were very limited and involved minimal coordination.

In the early 1980's the Water Quality Board recognized that little was being accomplished to actually clean up the Areas of Concern and a new approach was needed. In its 1985 report, the Board formally recommended that a Remedial Action Plan process be adopted.

In their 1987 revisions to the Great Lakes Water Quality Agreement, the governments of Canada and the United States formally agreed to develop Remedial Action Plans. The public lauded this commitment as a forward-looking, positive approach to the problems in the Areas of Concern. Citizens in each of the 42 Areas of Concern proceeded to put considerable energy into the RAP process and to view it as a source of hope for correcting the problems.

### **Citizen Involvement in Remedial Action Plans**

The hope of many residents of the Great Lakes' most contaminated areas is that the RAP process can focus people's ideas, energies and money to regenerate communities whose natural features have been devastated by human abuse. RAPs have tremendous potential. However, achieving that potential will only be realized through the determination, diligence, and involvement of citizens in the affected communities. Citizens have a fundamental right to shape their

future. They must provide the vision and the commitment for the restoration of their community.

Affected communities in Areas of Concern must work as equal partners with the agencies responsible for developing RAPs. To ensure this partnership occurs, GLU advocated a strong public role in all Great Lakes programs during the 1987 renegotiations of the Great Lakes Water Quality Agreement. As a result, Annex II of the Agreement now says that the public must be involved in RAPs as well as other programs outlined in the Agreement.

Three years after the original planned completion dates for the RAPs, only one RAP has actually been drawn up -- Green Bay, Wisconsin. In the other areas, first stage RAPs (the descriptions of the problem) have not yet been completed to the satisfaction of either the IJC or the public. In most areas, work hasn't even begun on what the remedial actions would be. These delays have primarily been a result of the failure of the governments to devote adequate resources to the planning process.

Great Lakes United therefore strongly supports the adoption of concrete timelines for RAP development as required by the Great Lakes Water Quality Improvement Act. These programs need additional commitment of effort and resources. The adoption of timelines and authorization of funding are essential elements to help RAPs realize their potential.

Citizens are devoting considerable time, energy and money to the RAP process and want to ensure that they are not wasting their efforts.

Citizens concerns for RAPs focus on two questions:  
What should a RAP contain? and  
How can we ensure that the RAP is implemented?

In February, Great Lakes citizen leaders were brought by Great Lakes United to Stella Niagara, New York, to develop answers to these questions. Out of the workgroup sessions a series of recommendations were developed to provide guidance to citizens and governments in creating and developing RAPs. One of the important recommendations was the need for legislative support for RAPs.

Six key elements were identified as necessary for a successful RAP. They are that:

- o the RAP must embody community vision and support
- o they must incorporate the ecosystem approach
- o they must achieve zero discharge
- o they must cleanup contaminated sediments
- o they must establish land use policies for the Area of Concern

- o and they must create and restore wild areas and habitat.

It is clear from the workshop that the public is determined to make the RAPs work -- to not give up despite considerable frustration. It is Great Lakes United's hope that these efforts will be fully rewarded by the restoration of a clean and healthy Great Lakes ecosystem.

### **Lakewide Management Plans**

One of the other central commitments made by the two federal governments in 1987 when they renegotiated the GLWQA was a pledge to develop Lakewide Management Plans. These plans were intended to be a lakewide RAP. They are to be focused on identifying additional remedial measures that are needed to achieve the reduction of chemical loadings and to eliminate the contribution to impairment of beneficial uses from critical pollutants. Important about the Plans is that they are to address the contributions of toxics from all media.

This includes air, land runoff, direct discharges, and contaminated sediments. The problem of sediments remains particularly acute in many of the areas of the Great Lakes and requires additional attention. An important need is the development of technology to decontaminate sediments. The extension of funding for the sediment demonstration projects as proposed in the Great Lakes Water Quality Improvement Act will be a step towards addressing this acute need.

As has been the case with Remedial Action Plans, the progress of the governments to date in developing Lakewide Management Plans has been limited. Only one plan, that for Lake Ontario, has actually begun.

It is the belief of Great Lakes United that the Lakewide Management Plans need legislative support and that the EPA needs additional resources to undertake these efforts. We support the establishment of timelines for all the Lakewide Management Plans and express our support for expanded funding to the EPA to carry out this important activity. The Lakewide Management Plans are the necessary fabric binding together the efforts to achieve zero discharge of persistent toxic pollutants into the Great Lakes. Without these plans we will continue to have unacceptably high levels of toxic contaminants within the system and the unintentional exposure of humans and fish and wildlife will continue. The adverse consequences of that exposure can only get worse.

In conclusion, I would like to emphasize the Great Lakes Water Quality Agreement between Canada and the United States is a visionary and precedent setting document. If fully implemented - it would reverse the environmental degradation of the Great Lakes ecosystem and make great strides to improve human and wildlife welfare. The enshrinement of some of the important commitments of that agreement into law as proposed within the Great Lakes Water Quality Improvement Act will be a major step towards achieving clean-up of the Great Lakes. The clean-up and protection of the Great Lakes once achieved will provide to other regions of the United States and the world a dramatic example of the ability of humans to come to grips with restoring and protecting the environment on which we depend.